

BOATS, PARKS AND WATERWAYS*

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***Cross references:** *Administration*, Chapter 2; *Buildings and Building Regulations*, Chapter 6; *Flood Prevention and Protection*, Chapter 8; *Garbage and Refuse*, Chapter 9; *Health and Sanitation*, Chapter 10; *Housing*, Chapter 11; *Planning and Development*, Chapter 15; *Utilities*, Chapter. 19.

ARTICLE I -- Park Regulations -- General

Section 5.1 Damaging, Injuring or Removing Items from Park and Recreational Facilities is Unlawful

(a) **General Disfiguration and Removal** – It shall be unlawful for any person in a park to mark, deface, disfigure, injure, tamper with, displace or remove, any buildings; bridges; tables; benches; fireplaces; railings; paving or paving materials; water lines or other public utilities or parts or appurtenances thereof; signs, notices or placards, whether temporary or permanent; monuments; stakes; posts; or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(b) **Injury or Removal of Natural Features**

(1) Trees, shrubbery, lawns. It shall be unlawful for any person in a park to damage, cut, carve, transplant or remove any tree or plant, or injure the bark, or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, wetlands, or in any other way injure or impair the natural beauty or usefulness of any area.

(2) Removal, excavation of natural resources. It shall be unlawful for any person in a park to dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency, except by specified written permit issued hereunder.

(c) **Climbing Trees, Monuments, Fences, etc** – It shall be unlawful for any person in a park to climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences or gun carriages or upon any other property not designated or customarily used for such purposes.

(d) **Restrooms and Washrooms** – It shall be unlawful for any person in a park to fail to cooperate in maintaining park restrooms and washrooms in a neat and sanitary condition.

(e) **Discarding Refuse and Trash** – It shall be unlawful for any person in a park to bring, or have brought in, or to dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash on park property. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

(f) **Water Pollution and Contamination** – It shall be unlawful for any person in a park to throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution, discoloration or contamination of said waters.

(Ordinance. No. 07-21, 10-11-07)

Section 5.2 Vehicle Usage and Parking

(a) **Vehicle Operation Confined to Designated Roads and Parking Areas** – It shall be unlawful for any person in a park to drive any vehicle on any area except on designated park roads or parking areas.

(b) Parking

- (1) *Parking in Designated Lots Only.* It shall be unlawful for any person in a park to park a vehicle in other than a designated parking area, and such use shall be in accordance with the posted directions.
- (2) *Parking Areas for Loading and Unloading Only.* It shall be unlawful to gather or loiter in a designated parking area except for purposes of loading and unloading the vehicle.
- (3) *Parking After Hours Prohibited.* Parking, stopping or standing in a vehicle after established park hours is prohibited, unless approved under a special written permit issued under this Article.

(Ordinance No. 07-21, 10-11-07)

Section 5.3 Proper Usage and Activities in Public Parks and Recreational Facilities

(a) **Erection of Structures** – It shall be unlawful for any person in a park to construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across park lands, except for special written permit issued under this Article.

(b) Swimming and Bathing

- (1) **Designated areas.** It shall be unlawful for any person in a park to swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore, and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat, when such activity is prohibited by the City Manager upon finding that such use of the water would be dangerous or otherwise inadvisable.
- (2) **Certain hours.** It shall be unlawful for any person in a park to frequent any waters or places designated for the purpose of swimming or bathing or congregate thereat, except between such hours of the day as shall be designated for such purposes.

(c) Fishing

- (1) Commerce prohibited. It shall be unlawful for any person in a park to engage in commercial fishing, or the buying or selling of fish caught in any waters inside the City limits.

- (2) Fishing Prohibited in Boat Ramps. It shall be unlawful for any person in a park to fish in areas designated for boat ramps.
- (3) Fishing Prohibited in Designated Swimming Areas. It shall be unlawful for any person in a park to fish off-shore from the beaches designated for swimming or bathing.

(d) **Picnic Areas**

- (1) Availability. It shall be unlawful for any person in a park to violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "first-come, first-served," except in those cases where prior reservations have been made with the City Manager.
- (2) Non-exclusivity. It shall be unlawful for any person in a park to use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, or to use such area and facilities for an unreasonable time if the facilities are crowded, except in those cases where prior reservations have been made with the City Manager.
- (3) Duty of picnicker. It shall be unlawful for any person in a park to leave a picnic area before the fire is completely extinguished and before all trash, garbage or other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(e) **Camping** – It shall be unlawful for any person in a park to camp except by specified written permit issued hereunder, and then only in designated areas. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park, after closing hours, any movable structure or special vehicle to be used or that could be used for such purpose, such as a house-trailer, camp-trailer, RV camper, camp-wagon or the like.

(f) **Use of Weapons** – It shall be unlawful for any person in a park to use, carry or possess firearms of any description, or air rifles, spring-guns, bow and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. It shall be unlawful for any person to shoot into park areas from beyond the park boundaries.

(g) **Fireworks and Explosives** – It shall be unlawful for any person in a park to bring, or have in his possession, or set off, or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any park area from land or a highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that, in conjunction with any substance or compound, would be dangerous from any of the foregoing standpoints, except

under the sponsorship of organized groups and with the permission of the City Commission after application to and a public hearing before the City Commission.

(h) **Fires** – It shall be unlawful for any person in a park to build or attempt to build a fire except in areas designated for outdoor grilling, and then only in a proper grilling apparatus. Open fire pits or trash barrel fires are prohibited. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material, within any park area or on any highway, road or street abutting or contiguous thereto.

(i) **Loitering, Disorderly Conduct** – It shall be unlawful for any person in a park to sleep or protractedly lounge on seats, on benches, in vehicles or in other areas; or to engage in loud, boisterous, threatening, abusive, insulting or indecent language; or to engage in any disorderly conduct or behavior tending to a breach of the public peace.

(j) **Restricted Areas** – It shall be unlawful for any person in a park to enter an area posted as "Closed to the Public"; nor shall any person use, or abet the use of any area in violation of posted notices. Any section or part of any park may be declared closed to the public by the City Manager at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the City Manager shall find reasonably necessary.

(k) **Intoxicating Beverages Prohibited** – It shall be unlawful for any person in a park to enter or be in a park while under the influence of intoxicating liquor. Consumption of alcoholic beverages is prohibited in the public parks.

(l) **Gambling** – It shall be unlawful for any person in a park to gamble, or participate in or abet any game of chance. A raffle conducted in City parks pursuant to a permit issued hereunder that serves as a legitimate fund raising event for civic and religious organizations located in Crescent City, where all the proceeds are used to support the civic and religious organization are not considered gambling under this section.

(m) **Advertising Generally** – It shall be unlawful for any person in a park to announce, advertise or call the public attention in any way to any article or service for sale or hire.

(n) **Vending and Peddling** – It shall be unlawful for any person in a park to expose or offer for sale any article or thing, or to station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing, or to engage in any commercial business activity. An exception is made as to any regularly licensed concessionaire acting by and under the authority and regulation of a special permit issued hereunder.

(o) **Dogs and other pets on beaches and parks.**

(1) It shall be unlawful for any person keeping, harboring, owning or responsible for a dog or other pet to permit the dog to be in a public park unless the dog is held, by a competent person, on a leash that is no more than eight [8] feet in length.

- (2) Exceptions.
- (a) It is a defense to a charge of violating this section that the dog involved is a working dog trained to assist disabled individuals and that the dog is under the control of a competent person and obedient to the command of such person.
 - (b) It is a defense to a charge of violating this section that the dog involved was participating in an organized competition or that the dog involved was engaged in an organized training exercise under the supervision of a person competent to provide such training.
 - (c) It is a defense to a charge of violating this section that the dog involved is a trained police dog and that the dog is under the control of a competent person and obedient to the command of such person.
- (3) No person owning or responsible for a dog shall permit the dog to defecate on any public property or right of way. It is a specific defense to a charge of violating this section that the person keeping, harboring, owning or responsible for the dog or other pet has and makes use of equipment to remove animal waste and dispose of it in a sanitary and lawful manner or that the dog involved is a certified working dog trained to assist disabled individuals and that the person charged has a disability which prevents the individual from removing the excrement and properly disposing of it in a sanitary manner.

(p) **Posting Signs** – It shall be unlawful for any person in a park to paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatsoever, or to erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to a park. A temporary sign posted to advertise a special event at the park approved by a permit issued hereunder may be posted on the day of the event at or near the area to be occupied by the event. (Ordinance No. 07-21, 10-11-07)

Section 5.4 Hours of Operation

(a) **Establishing the Hours of Operation.** The City Commission of Crescent City, Florida may set and establish from time to time by Resolution the permissible times or hours in which the various city parks or other recreational facilities may be used without a permit. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted at City Hall for public information.

(b) **Fishing and Boating Exception.** It shall be unlawful to be in the park or recreational facility outside of the established hours except that the use of boat ramps, docks and shoreline in the public parks for a legitimate use of the waterways for boating and fishing may be allowed outside the established park hours, provided there is compliance with all other park regulations in this Chapter. (Ordinance No. 07-21, 10-11-07)

Section 5.5 Park Permits

(a) **Permit Required** – A permit shall be obtained from the City Manager before holding or participating in any special use or activity in a park.

(b) **Application** – A person seeking issuance of a permit hereunder shall submit an application to the City Manager on a form provided by City Hall. The application shall include, at a minimum:

- (1) The name and address of the applicant.
- (2) The name and address of the person sponsoring the activity, if any.
- (3) The day and hours for which the permit is desired.
- (4) The park or portion thereof for which such permit is desired.
- (5) An estimate of the anticipated attendance.
- (6) The nature of the activity and whether there will be amplified sound.
- (7) Any other information which the City Manager shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(c) **Standards for issuance** – The City Manager may issue a permit hereunder when he finds:

- (1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
- (2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- (3) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- (4) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by City.
- (5) That the facilities desired have not been reserved for other use at the day and hour required in the application.

(d) **Liability of permittee.** The person to whom a permit is issued shall be liable for any applicable ordinances as fully as though the same were inserted in said permits.

(e) **Revocation.** The City Manager or the Chief of Police shall have the authority to revoke a permit upon finding a violation of any rule or ordinance, or upon good cause shown.

(f) **Display of Permit Required.** It shall be unlawful for any person in a park to fail to produce and exhibit any permit he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(g) **Interference with Permittees.** It shall be unlawful for any person in a park to disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity under the authority of a permit.

(Ordinance No. 0721, 10-11-07)

Section 5.6 Fees

The City Manager shall have the authority to implement and collect the following fee schedule for the use of the City's parks and other publically owned properties for events or occasions other than City-sponsored events.

Use of Sport Facilities

Special Sporting Events: \$10 per team per day, or \$45 per day, whichever is greater, plus a deposit of \$100 per day

Seasonal Sporting Clubs \$10 per team, or \$50 per month, whichever is greater, plus a deposit of \$100 per day

Festival/Major Special Event \$50 per day, plus a deposit of \$100 per day
(more than 50 people and/or more than a 2-day event)

Special Event Charge Resident: \$100 deposit only, no usage
(less than 50 people)
Non-Resident: \$10 per hour, or \$45 per day, whichever is less, plus \$100 deposit per day
Insurance may still be required by City Manager depending on the type of event

The City Manager shall have the authority to reduce the fee or deposit requirement for City sponsored events or charitable events that will last eight [8] hours or less.

(Ordinance 11-01, 3-10-11)

Section 5.7 Insurance

For special events over fifty [50] people, or for use of sporting facilities for organized sports camps or leagues, or at the discretion of the City manager due to the nature of the proposed use, the host organization or person shall be required to carry occurrence form general liability policy that shall name the City as an additional insured with a right of defense, with minimum coverage protection of \$200,000 per claim / \$300,000 per event. Special events, or use of sporting facilities involving more than 1,000 persons, limits will be \$1,000,000 / \$2,000,000.

(Ordinance 11-01; 3-10-11)

Section 5.8 Security and traffic control

The Chief of Police shall determine whether security and traffic control devices may be mandated due to the size and nature of the proposed event. Unless expressly waived by the City Commission, the costs associated with any additional security and traffic control shall be borne by the festival organizers and shall be paid prior to the event with the standard permit fee and deposit.

(Ordinance 11-01, 3-10-11)

Section 5.9 Application required, minimum time to review, and right to refuse.

Any proposed use of the City park or public facilities for events that will draw more than fifty [50] persons, or involve bringing in elements not already provided at the park or public facilities (i.e. staging, booths, bounce houses, amplification devices, etc.) shall be required to obtain a permit as provided in Section 5.5 of the City's Code of Ordinances (Ordinance No 0721) as amended. Such permit application shall be submitted and all necessary fees, documentation and insurance provided at least seventy-two [72] hours prior to the proposed event or usage date.

The City Manager shall have the discretion to refuse or deny the use of City parks, or other public facilities, if he or she determines that the proposed use is inappropriate for the facilities such that it has the potential to damage the facilities and prevent normal use thereof; or if there is a conflict with events or uses already permitted for that same date or dates; or if the person(s) using or proposing to use the facilities have demonstrated improper use of the facilities in the past; or if the person(s) proposing to use the facilities is unable to provide the required fee, deposit or insurance in a timely fashion.

(Ordinance 11-01, 3-10-11)

Section 5.10– 5.21 Reserved

ARTICLE II

Section 5.22 – 5.37 Reserved

(Ordinance No. 07-21, 10-11-07)

ARTICLE III -- Boats

Section 5.38 Boats to observe health and sanitation rules of city; disorderly conduct, etc., on boats.

All boats or vessels, docked, moored or tied to land, docks, piers or wharves, abutting the public waterways in the City shall observe all the health and sanitary regulations of the City. They shall observe all ordinances of the City relating to the conduct of persons and prohibiting acts contrary to public health, morals, safety or public peace, including ordinances prohibiting disorderly conduct and loud and boisterous noises which disturb the peace of the neighborhood.

(Code 1958, Section 9-3)

Cross references: *Garbage and Refuse*, Chapter 9; *Health and Sanitation*, Chapter 10

Section 5.39 Speed of boats

No boat or vessel shall be operated upon any waterways in the City at a rate of speed which causes waves to damage docks, wharves, sea walls, or boats moored or tied to docks or wharves along such waterways, nor shall any boat operating on the waterways in the City exceed a speed of five [5] miles per hour.

(Code 1958, Section 9-4)

Section 5.40 Mooring on private docks without permission

No vessel or watercraft of any kind whatsoever shall moor to, or tie up to, a private sea wall or dock, or be beached upon private property within the City without the permission of the owner thereof.

(Code 1958, Section 9-9) Cross reference: *Housing*, Chapter 11

Section 5.41 Abandonment of boats; mooring as so to menace navigation

It shall be unlawful for any person to abandon any boat or watercraft in the public waterways within the City or to moor the same in such manner as to cause such watercraft to be or become a menace to navigation.

(Code 1958, Section 9-10)

Section 5.42 Mufflers required

No watercraft with outboard motor, or with inboard motor not having properly muffled exhaust, shall operate on any water within the City.

(Code 1958, Section 9-11)

Section 5.43 Use of searchlights, horns, whistles, etc.

The indiscriminate use of searchlights, horns, whistles, or bells on any watercraft within the City is prohibited.

(Code 1958, Section 9-12)

Section 5.44 Garbage disposal

All watercraft moored or docked in the waterways within the City shall provide garbage cans of sufficient size to hold garbage or refuse to be collected by the City. It shall be unlawful for persons upon such boats to dump or throw garbage, paper, bottles, cans, refuse or debris into such waterways.

(Code 1958, Section 9-13) Cross reference: *Garbage and refuse*, Chapter 9.

Section 5.45 Unsightly or badly deteriorated boats prohibited

No vessel or watercraft of any kind whatsoever which is of an unsightly appearance, or in badly deteriorated condition, or which is likely to damage any docks, or which might become a menace to navigation shall be permitted to moor or tie up at said docks. Such vessels or watercraft in such condition are hereby declared to be a public nuisance.

(Code 1958, Section 9-14)

Section 5.46 Using boats as place of business

No vessel or watercraft of any kind whatsoever moored or docked in any of the publicly dedicated waterways in the City shall be used as a place from which business or professional services are conducted. This shall not apply to charter fishing boats and sightseeing boats licensed by the City or to boats being displayed for sale.

(Code 1958, Section 9-15)

Cross reference: *Licenses and Business Regulations*, Chapter 12

Section 5.47 Reserved

ARTICLE IV -- Waterways

Sec. 5.63 Authority of city to regulate waterways

The City shall have the right to regulate the use of all waterways within the City limits and the conduct of all persons using same, consistent with and not in conflict with federal or state regulations. All ordinances of the City regulating the conduct of persons on land, shall apply to persons using waterways, insofar as same are properly applicable.

(Code 1958, Section 94)

State law reference: *Intracoastal waterways, local regulation prohibited*, Section 327.60, *Florida Statutes*.

Section 5.64 Rights of city on property abutting public waterways

(a) When a public street or thoroughfare is laid out or existing in the City abutting or touching a waterway open to public use, the City as trustee for the public, has and owns riparian rights at such place where such public street or thoroughfare abuts or touches the waterway. The City shall have the right to regulate the use of the waters adjacent to such place, and to construct docks, public landings, piers or wharves at such places.

(b) Wherever a street, laid out and existing in the City ends at a waterway in the City, the portion of such dead-end street abutting the waterway is hereby declared to be public property; and the City shall have the right to regulate the use of the waters adjacent to such place and to construct docks, public landings, piers or wharves at such place.

(c) When any plat is filed for record showing streets dedicated to public use laid out, touching or abutting any waterways used by the public; it is hereby declared that the portion of such dedicated street touching or abutting upon waterways in the City shall be public property, and the City shall own and hold same for the use of the public, and shall pass rules and regulations governing the use of same.

(Code 1958, Section 9.2)

Section 5.65 Buildings, etc., encroaching upon bottom width

It shall be unlawful to place any wall or any structure or obstruction of any nature in the canals, waterways and ditches that shall encroach in any manner upon the bottom width of the canals, waterways and ditches.

(Code 1958, Section 9.6)

Cross reference: *Buildings and Building Regulations*, Chapter 6.

Section 5.66 Depositing effluvia, refuse, etc., in waters

No person shall throw, place, or deposit, or cause to be thrown, placed or deposited, any effluvia, refuse, by-products, decaying animal or vegetable matter, in any of the canals, waterways, or ditches in the City so as to be a nuisance or injurious or detrimental to the health or comfort of any residents of the City.

(Code 1958, Section 9-5)

Cross reference: *Health and Sanitation*, Chapter 10.

Section 5.67 Obstructing

It shall be unlawful for any person to place any obstruction of any kind whatsoever in any of the canals, waterways or ditches in the City as said canals, waterways and ditches now exist.

(Code 1958, Section 9.7)

Section 5.68 Obstructing water channels; lowering level of Lake Stella

(a) It shall be unlawful for any person to obstruct or to prevent the usual or natural flow, or run of water, in any ravine or other water channel.

(b) It shall be unlawful for any person to dig or construct any drain, ditch or water channel, for the purpose of lowering the level of Lake Stella, unless such action is authorized by the City Commission.

(Code 1958, Section 9.16)